

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 5:19 CR 83
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	ORDER ACCEPTING PLEA
)	AGREEMENT, JUDGMENT AND
JOHN JOSEPH SMOTER,)	REFERRAL TO U.S. PROBATION
)	<u>OFFICE</u>
Defendant)	

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge David A. Ruiz, regarding the change of plea hearing of John Joseph Smoter, which was referred to the Magistrate Judge with the consent of the parties.

On February 12, 2019, the government filed a 1 count Indictment, charging Defendant Smoter, with Felon in Possession of Firearm and Ammunition, in violation of Title 18 U.S.C. 922(g)(1) and 924(a)(2). Defendant was arraigned on February 15, 2019, and entered a plea of not guilty to count 1 of the Indictment, before Magistrate Judge Burke. On October 11, 2019 Magistrate Judge Ruiz received Defendant Smoter's plea of guilty to Count 1 of the Indictment, and issued a Report and Recommendation ("R&R"), concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the fourteen days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Smoter is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis

for the plea. The court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant John Joseph Smoter is adjudged guilty to Count 1 of the Indictment, in violation of Title 18 U. S. C. Section 922(g)(1) and 924(a)(2). This matter was referred to the U. S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be on January 22, 2020, at 10:00 a.m. in Courtroom 17A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

October 29, 2019